

US DISTRICT COURT E.D.N.Y.

★ JUN 12 2014 ★

BROOKLYN OFFICE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Kenneth Eng

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

~~1 City of New York~~  
~~2 Correction Officer John Doe #1~~  
~~on duty in AMRC May 14, 2007~~  
~~in the afternoon~~  
~~3 Correction Officer John Doe #2~~  
~~on duty in AMRC near 12 MoD~~  
~~July 11, 2007 at 3:00 PM~~

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name Kenneth Eng, 4266 Small Street, Flushing NY  
ID# \_\_\_\_\_  
Current Institution \_\_\_\_\_  
Address \_\_\_\_\_

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name All defendants can be found at  
Rikers Island Shield # \_\_\_\_\_  
Where Currently Employed \_\_\_\_\_  
Address \_\_\_\_\_

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC# \_\_\_\_\_  
DATE FILED: 6/17/2014

Rev. 01/2010

1

Against:  
- City of New York  
- Corrections Officers  
John Doe #1-#10  
- Corrections officers  
Jane Doe #1-#5  
AMENDED  
COMPLAINT  
- CO Walker  
under the Civil Rights Act, Employee  
42 U.S.C. § 1983 Jane Doe

Jury Trial: ☐ Yes ☒ No  
(check one)

14 Civ. 2365 (LAP)

Please see  
attached loose leaf  
papers

PRO SE OFFICE  
JUN 17 2014

Defendant No. 2 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_

Defendant No. 3 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_

Who did  
what?

Defendant No. 4 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_

Defendant No. 5 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

*Please see attached looseleaf papers*

B. Where in the institution did the events giving rise to your claim(s) occur?

C. What date and approximate time did the events giving rise to your claim(s) occur?

D. Facts: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

What  
happened  
to you?

Was  
anyone  
else  
involved?

Who else  
saw what  
happened?

**III. Injuries:**

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

**IV. Exhaustion of Administrative Remedies:**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Rikers, AMKC, Bellevue Prison Ward 8  
that floating prison unit in the harbor.

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

In the grievance box at AMKC

1. Which claim(s) in this complaint did you grieve?

All.

2. What was the result, if any?

No response from anyone

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

The reason I bring this claim up now despite the amount of time that has passed is because I have been on probation from 2007 to Feb 2014. My attorney advised me to wait. I ask that the statute of limitations be extended.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

I am seeking \$10,000,000 in damages. I also request that the negro corrections officers be disciplined or terminated. Further, I demand that the City of New York pay \$15,000,000 to an Asian rights organization.

On  
these  
claims

**VI. Previous lawsuits:**

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_\_\_ No ☒

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_  
Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

On  
other  
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☒ No \_\_\_\_\_

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Kenneth Eng  
Defendants Federal Probation dept.

2. Court (if federal court, name the district; if state court, name the county) NY Federal Court, Eastern District

3. Docket or Index number I don't remember

4. Name of Judge assigned to your case Vitaliano

5. Approximate date of filing lawsuit Aug 2013

6. Is the case still pending? Yes \_\_\_\_ No ✓  
If NO, give the approximate date of disposition Nov 2013
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)  
Dismissed

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6 day of June, 2014

Signature of Plaintiff

Inmate Number

Institution Address

Kenneth Guy

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 6 day of June, 2014 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Kenneth Guy

Page 1

Detailed Account of Events in Rikers Island.

Correction Officer John Doe #1 on duty in AMKC May 14, 2007 - This one was a large negro male, about six foot, two inches, bald, 240 lbs. He said, "Nee how, ma" to me for no reason other than the fact that I am Chinese. This is discrimination.

Correction Officer Jane Doe #1 on duty in Manhattan Court May 24, 2007 - This one was a negro female, about 5'9", overweight, large buttocks, fat lips. She called me "Get Li" and laughed.

Correction Officer Jane Doe #2 - on duty in 18 Upper West "Dorm" in AMKC, May 25, 2007 - This was a negro female, 5'7", average size, She called me "Chin".

May 30, 2007

Corrections Officer John Doe #2 - on duty in AMKC 12 Mod A - This was a Hispanic male, large, bald, about 6'2". He yelled at an Asian inmate, saying, "Hurry up, Chino. Come on, Chen-chen chong."



Corrections Officer Jane Doe #3 - on ~~Duty~~ duty May 31, 2007 in ~~12~~ Mod A, AMKC - This was an overweight negro female of average height. I overheard a prisoner, a negro male with dreadlocks, confess that he murdered someone. I tried to tell this "Officer," but she referred me to a 1-800 Hotline.

Corrections Officer John Doe #3 - on duty in the AMKC Intake Unit, June 7, 2007 - Last name Garcia, I think his badge was 14484. The time was sometime in the afternoon. He said to me, "Chino, go to 4 Pen!" I called him, "asshole." He said, "Go to 4 Pen or you're going to be sleeping in that fish." His badge was 14418.

Corrections Officer Jane Doe #4 - on duty June 26, 2007, afternoon. She was an average-sized negro female with a "bang-type" haircut. She was discussing my articles I wrote a while ago, she remarked of Asians, "They all the same." She and a male negro corrections officer then proceeded to poke fun at a

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white corrections officer.

Corrections Officer John Doe #4 - on duty in the solitary confinement area, 12 midnight on June 26, 2007. He was a tall negro male, average build. He purposely gave me a carton of rotten milk, saying it was "on the house". I did drink it, not knowing it was completely curdled and rotten. He and his groupies did that on purpose.

Employee Jane Doe #1 - on duty in the solitary confinement area June 27, 2007 10 AM. This was not an officer. It was a 50-year-old feeble negro with nappy hair. She called me "Chr".

Corrections Officer John Doe #5 - on duty on the p. a prison bus August 8, 2007 at 8 PM. He was a tall, full negro male, very dark, ugly. He said to me "Hey Chino. They ain't no party bus. You know what a party bus is? Your people make them. They also make play stations, anime and martial arts."

Corrections Officer John Doe #6 - on duty December 16, 2008 in the floating prison in the harbor, intake yard 8 PM. He was a very large negro male about 400 lbs with an ugly face and short hair. He threatened to throw my property in the trash if I had to ask him to repeat his instructions. He later threatened to "punch me in the face" and referred to me as "Chino".

Corrections Officer Walker - November 16, 2009 in the Elmhurst psych ER. He was a light-skinned negro male with glasses. He joked fun at me because I was allegedly suicidal. He put me in six handcuffs on my hands, feet and waist. A nursing staff member of Elmhurst complained about this. Walker returned the next day and took me to the Bellevue prison ward, where he threatened me by raising his voice at me because I was singing to myself.

Corrections Officer John Doe #7 - November 17, 2009 in the Elmhurst Hospital psych ER, 4 AM. This was a tall negro male, very dark

Page 3.

skin. He was watching a YouTube video of me on his mobile device. He waved at me to get my attention in an attempt to mock me. I ignored him.

Corrections Officer Jane Doe #5 -  
The "Hart's Island" area of AMKC  
at 4 PM on December 9, 2009.  
A very skinny negro female. She  
poked fun at me by laughing at  
me when I said I needed to  
use the phone. It was very cruel.  
This race should not be allowed  
in law enforcement.

Corrections Officer John Doe #8 -  
A tall negro male, grayish hair, ugly  
face. He shouted at one point that  
his birthday was January 21. On  
January 24, 2010, he called me  
"Chinaman." I called him "nigger".  
He threatened me by saying, "you  
got one last chance to say dat  
to me."

~~Kenneth Say~~

Corrections Officer John Doe #9 - A  
skinny negro male, 30 years old. He called



on July 11, 2007, he called me "Chin!" in the hallway of AMKC at 3PM (he was guarding the visitor corridor)! I called him "asshole!" He struck me in the back of the head. A captain saw this and did nothing.

Corrections Officer John Doe #10 - an overweight pigger male, average height. He hurled a multitude of slurs at me - "Wing Chun", "Chin", etc - in March February of 2010 as he walked me to the visitation area. He later threatened me with physical violence. I do not remember the day or time.

~~Kenneth E. [Signature]~~

Corrections Officer John Doe #11 - on duty at Queens Court July 11, 2007 at 3PM. He was a negro man, tall, medium build. I was attacked by an inmate, and this officer took no action. My lip was damaged and my teeth were also damaged. There was blood.

Page 4  
I was also attacked by an inmate  
on February 7, 2010, in the Belknap  
Prison Ward (Psychiatric) and the hospital  
did not provide adequate medical  
treatment. I sustained bruises to the  
face. The officers did not press  
charges. I am blaming this on the  
City of New York.

I was attacked by another inmate  
a large negro in January 2010.  
He called me "Chin" and punched  
me in the face with an open  
hand. The officers did not take  
action. I blame the City of  
New York. I was not provided with  
any medical attention.

Kenneth Gray

Kenneth Emy Street  
4266 Scull Street  
Flushing, NY 11355

RECEIVED  
PRO SE  
JUN 17 2014

USM<sup>P3</sup>  
SDNY

US District Court  
Southern Dist.  
500 Pearl Street  
NY NY 10007

